

### **REMARKS**

In response to the subject office action, claim 52-54 have been cancelled, without prejudice. Additionally, claims 45, 49-51, 55-56, 67, 69, 71 and 74 have been amended, and new claims 76-77 have been added. All amendments are fully supported. No new matter has been introduced. No additional claim has been cancelled or added. Accordingly, claims 45-52, 54-60, and 67-77 are now pending.

#### **Rejections under 35 USC §103(a)**

Claims 45-60, 62, and 67-75 have been rejected under §103(a) as being unpatentable over Moskowitz (USP 5629732) in view Biliris.

Rejections against claims 52-54 have been rendered moot by their cancellation.

Additionally, in response, each of independent claims 45, 55, 67, 69 and 74 has been amended to include in substance the recitation that transmission or receipt of a file continues at the location specified and included in a seek request, after completion of the transmission/receipt of another portion of the file from a buffer (used to buffer portions of the file being transmitted).

Section 103 requires that for obviousness analysis, the invention must be viewed as a whole. For the instance application, the independent claims, as amended, when viewed as a whole, as required by law, are clearly directed towards methods and apparatuses adapted to support a seek request, where the support includes submission of a seek request by a client device while receiving portions of a file, including a new location sought, and continued transmission or receipt from the location specified, from one or more buffers, only after completion of transmission or receipt of another one of the portion of the file. The claimed methods and apparatuses provide at least the advantage of a more seamless transition to the new location sought, over the prior art, an improvement in user experience.

In the subject action, the Examiner asserted that Moskowitz and Biliris in combination suggested the invention being claimed, in particular, Moskowitz suggested

the required transmission or receipt from the specified block of a seek request, after completion of a current block of the file. The Examiner proffers the reason for his position, stating that " ... in order not to break into sub-pointer management of data, a buffer can only be cleared or refilled after completion of sending of a current buffer".

Applicant disagrees that immediate transition to the location sought would necessarily require "sub-pointer management" as the Examiner has asserted. Immediate switching from one buffer to another buffer can be achieved without sub-pointer management. Accordingly, there is no motivation to combine Moskowitz and Bilirus, since sub-pointer management is not necessarily required for immediate switching.

Further, it is not inherent that Bilirus must complete transmission of a buffer before switching to the location sought. Even if they are, the combination does not suggest Applicant's invention, as Applicant's invention as claimed recites "completion of another one of the portion" before switching (which is a subset of a buffer, not the entire buffer).

Accordingly, Moskowitz and Biliris in combination does not suggest the claimed invention. Therefore, claims 45, 55, 67, 69 and 74 are patentable over Moskowitz and Bilirus combined.

Claim 46-51, 56-60, 62, 70-73 and 75-77 depend from claims 45, 55, 67, 69 and 74, incorporating their recitations, respectively. Accordingly for at least the same reasons, claims 46-51, 56-60, 62, 70-73 and 75-77 are patentable over Moskowitz and Bilirus combined.

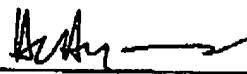
Conclusion

In view of the foregoing, claims 45-51, 55-60, 62 and 67-77 are in condition of allowance. Early issuance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
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